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Attorneys for Defendant
 COUNTY OF NAPA

IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

HOOPE'S VINEYARD LLC, a California limited liability company; SUMMIT LAKE VINEYARDS & WINERY LLC, a California limited liability company; and COOK'S FLAT ASSOCIATES A CALIFORNIA LIMITED PARTNERSHIP, a California limited partnership,

Plaintiffs,

v.

COUNTY OF NAPA,

Defendant.

Case No. 3:24-cv-06256-CRB

**REQUEST FOR LEAVE TO FILE
 SUPPLEMENTAL REQUEST FOR JUDICIAL
 NOTICE AND SUPPLEMENTAL REQUEST
 FOR JUDICIAL NOTICE**

Judge: Hon. Charles R. Breyer
 Hearing Date: February 28, 2025
 Hearing Time: 10:00 a.m.
 Location: Courtroom F, 15th Floor
 455 Golden Gate Avenue
 San Francisco, CA 94102

Action Filed: September 5, 2024

1 Pursuant to Local Civil Rule 7.3(d), which prohibits the filing of additional memoranda, papers,
2 or letters without prior Court approval, Defendant, THE COUNTY OF NAPA, respectfully requests
3 leave of Court to file a Supplemental Request for Judicial Notice to judicially notice a Preliminary
4 Injunction issued by the Napa County Superior Court against Plaintiff Hoopes Vineyard LLC on
5 February 20, 2025, in Case No. 22CV001262 and Hoopes Vineyard LLC's Notice of Appeal filed on
6 February 21, 2025 in the same case.

7 Since both documents were created after Defendant submitted its reply on January 31, 2025,
8 Defendant could not have included them in any earlier submission. As these documents are directly
9 relevant to the pending motion (*see* Dkt. 53 at 33–36), Defendant respectfully requests leave to file the
10 following Supplemental Request for Judicial Notice to ensure that the Court has current and pertinent
11 information available.

1 **SUPPLEMENTAL REQUEST FOR JUDICIAL NOTICE**

2 Pursuant to Federal Rule of Evidence 201, Defendant Napa County respectfully requests that the
3 Court take judicial notice of the following documents in support of its Motion to Dismiss Plaintiffs' First
4 Amended Complaint, true and correct copies of which are attached hereto:

5 **Exhibit A** Preliminary Injunction Against All Defendants issued by the court on February 20,
6 2025, in *Napa County v. Hoopes Family Winery Partners, L.P., et al.*, Case No.
7 22CV001262 (Napa County Sup. Ct.)

8 **Exhibit B** Notice of Appeal filed on February 21, 2025, by Hoopes Vineyard LLC in *Napa*
9 *County v. Hoopes Family Winery Partners, L.P., et al.*, Case No. 22CV001262
10 (Napa County Sup. Ct.).

11 In resolving a motion to dismiss, courts may consider documents of public record that are not
12 subject to reasonable dispute. *See Lee v. City of Los Angeles*, 250 F.3d 668, 688–89 (9th Cir. 2001).
13 Here, Exhibits A and B are documents from the state enforcement action brought by Napa County
14 against Plaintiff Hoopes Vineyard LLC. These documents are subject to judicial notice as a matter of
15 public record and are not reasonably subject to dispute. *See id.* at 688–89 (“[U]nder Fed.R.Evid. 201, a
16 court may take judicial notice of ‘matters of public record.’” (quotation omitted)); *Reyn’s Pasta Bella,*
17 *LLC v. Visa USA, Inc.*, 442 F.3d 741, 746, n.6 (9th Cir. 2006) (taking judicial notice of pleadings,
18 memoranda, and other court filings). Accordingly, Defendant respectfully requests that the Court take
19 judicial notice of Exhibits A and B attached hereto.

20
21 Dated: February 27, 2025

RENNE PUBLIC LAW GROUP

22
23 By: /s/Ryan McGinley-Stempel
24 Ryan McGinley-Stempel

25 Attorneys for Defendant
26 NAPA COUNTY
27
28

EXHIBIT A

FILED

FEB 20 2025

Clerk of the Napa Superior Court
By: [Signature]
Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF NAPA

NAPA COUNTY and THE PEOPLE OF THE
STATE OF CALIFORNIA ex rel. SHERYL L.
BRATTON, as Napa County Counsel,

Plaintiffs,

v.

HOOPEs FAMILY WINERY PARTNERS, LP,
HOOPEs VINEYARD, LLC, LINDSAY BLAIR
HOOPEs, and DOES 1 through 10, inclusive,

Defendants.

Case No. 22CV001262

EXEMPT FROM FEES (GOV. CODE § 6103)

**PRELIMINARY INJUNCTION AGAINST
ALL DEFENDANTS**

AND RELATED CROSS-ACTION.

The hearing on the County's Request for Preliminary Injunction came on regularly for hearing on February 7, 2025 before this Court.

FOR GOOD CAUSE SHOWN, the request is granted and a Preliminary Injunction is entered herewith, jointly and severally against Hoopes Family Winery Partners, L.P., Hoopes Vineyard, LLC and Lindsay Blair Hoopes (collectively "Hoopes Defendants") with regard to the property located at 6204 Washington Street, Napa California, 94558 (the "Property.")

PRELIMINARY INJUNCTION

1. The duties, responsibilities, burdens, and obligations undertaken in connection with this Preliminary Injunction shall apply to the Hoopes Defendants, jointly and severally, and any affiliates, subsidiaries, successors and assigns of each, and of any officers and employees of each.
2. In accordance with Napa County Code section 1.20.155(A), and section 17203 of the California Business and Professions Code, the Hoopes Defendants shall comply with the following:

PROHIBITORY INJUNCTIVE RELIEF

- a. Defendants shall cease all winery activities that do not comply with Napa County Code sections 18.16.020(H) and 18.08.600 until such time as Defendants have obtained a valid use permit authorizing any such activities and any necessary and related building, grading, or other permits. Such prohibited winery activities include:
- i. All tastings of wine, however described or denoted, characterized by the consumption of any amount of wine for any purpose, by anyone other than Defendants and employees of the Winery;
 - ii. All tours of the Winery by members of the public;
 - iii. All consumption of wine purchased by members of the public on the Winery premises;
 - iv. All “marketing of wine,” as defined by Napa County Code section 18.08.370, including all social events of a public nature, but not including advertisement or marketing of lawful activity undertaken by the Defendants at the Winery on any media;
 - v. All sales of wine-related and non-wine related merchandise, including tote bags, clothing, blankets, wine bottle candle holders, soap, books, ceramic bowls, hats, greeting cards and wine openers;
 - vi. All occupancy and assembly within winery rooms or spaces that have not been permitted for occupancy or assembly, including the areas designated as storage in the building permits on file with the County, as well as any recreational vehicles on the Property;
 - vii. All sales of wine not produced on the Property, including any wine produced by or for the Winery at any other site;
 - viii. All service of food of any kind to any member of the public, whether or not in connection with the retail sale of wine produced on site.
- b. Defendants shall cease all commercial activity at the Property, which is not

1 authorized in the zoning district in which the Property is located. Such commercial
2 activities include:

- 3 i. All sales of non-wine-related merchandise, including tote bags, clothing,
4 blankets, wine bottle candle holders, soap, books, ceramic bowls, hats,
5 greeting cards and wine openers;
6 ii. All keeping of animals that do not qualify as animal husbandry, which is
7 defined as the rearing or keeping of animals to sell the products they
8 produce, such as meat, fur, dairy or eggs;
9 iii. Any use of animals as an attraction, enticement, or marketing activity
10 related to a lawful winery use.

11 3. The Napa County Code Compliance Division shall be given full access to the Property at
12 any time between the hours of 9:00 a.m. and 6:00 p.m., seven days a week, to conduct
13 inspections to confirm compliance with the provisions of this injunction. No advance
14 notice is required for inspections during these normal business hours.

15 4. Defendants shall not participate in any act or practice, or form a separate entity or
16 corporation for the purpose of engaging in acts or practices, in whole or in part, that are
17 prohibited by this Preliminary Injunction or any other purpose that would otherwise
18 circumvent any term of this Preliminary Injunction. Defendants shall not knowingly
19 cause, permit, or encourage any other persons or entities acting on its behalf, to engage in
20 any act or practice prohibited by this Injunction.

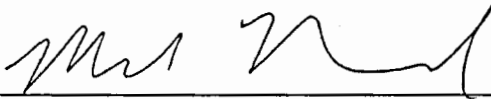
21 5. If any clause, provision, or section of this Preliminary Injunction shall, for any reason, be
22 held illegal, invalid, or unenforceable, such illegality, invalidity, or unenforceability shall
23 not affect any other clause, provision, or section of this Preliminary Injunction and this
24 Preliminary Injunction shall be construed and enforced as if such illegal, invalid, or
25 unenforceable clause, provision, or section had not been contained herein.

26 6. The Court maintains jurisdiction over this matter, including with respect to enforcement of
27 the terms of this Preliminary Injunction.
28

1 7. This Preliminary Injunction shall remain in full force and effect until it is either
2 incorporated into a final Injunction or is dissolved by the Court.

3
4 **IT IS SO ORDERED.**

5 Dated: February 20, 2025



Hon. Mark Boessenecker
Napa County Superior Court Judge

Superior Court of California

County of Napa
825 Brown Street
Napa, CA 94559

Case #: 22CV001262 NAPA COUNTY et al vs Lindsay Blair Hoopes et al

Katharine Heldt Falace
kfalace@buchalter.com
jgleffe@buchalter.com

Arthur Anthony Hartinger
ahartinger@publiclawgroup.com

Sheryl L Bratton
sheryl.bratton@countyofnapa.org

Lindsay Blair Hoopes
lindsay@hoopesvineyard.com

Certificate of Mailing/Service

I hereby certify that I am not a party to this cause and that a copy of the foregoing document was:

- ☒ **E-mailed**
- ☐ **certified copy faxed** to Napa Sheriff's Department at (707) 253-4193
- ☐ **personal service** – personally delivered to the party listed above
- ☐ **placed in attorney/agency folders** in the ☐ Criminal Courthouse ☐ Historic Courthouse

at Napa, California on this date and that this certificate is executed at Napa, California this Date. I am readily familiar with the Court's standard practice for collection and processing of correspondence for mailing within the United States Postal Service and, in the ordinary course of business, the correspondence would be deposited with the United States Postal Service on the day on which it is collected at the Courthouse.

Date: 2/20/2025

Robert E Fleshman, Court Executive Officer



Isabel Rodriguez, Deputy Court Executive Officer

EXHIBIT B

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NUMBER: 222744 NAME: Katharine H. Falace FIRM NAME: BUCHALTER APC STREET ADDRESS: 1230 Pine Street CITY: St. Helena STATE: CA ZIP CODE: 94574 TELEPHONE NO.: 707-967-9656 FAX NO.: EMAIL ADDRESS: kfalace@buchalter.com ATTORNEY FOR (name): Defendants Hoopes Family Winery Partners, LP, et al.		FOR COURT USE ONLY FILED 2/21/2025 1:37 PM Clerk of the Napa Superior Court By: Estella Garcia, Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF NAPA STREET ADDRESS: 825 Brown Street MAILING ADDRESS: 825 Brown Street CITY AND ZIP CODE: Napa, CA 94559 BRANCH NAME: Civil		
PLAINTIFF/PETITIONER: Napa County, et al. DEFENDANT/RESPONDENT: Hoopes Family Winery Partners, LP, et al.		
<input checked="" type="checkbox"/> NOTICE OF APPEAL <input type="checkbox"/> CROSS-APPEAL (UNLIMITED CIVIL CASE)		CASE NUMBER: 22CV001262

Notice: Please read *Information on Appeal Procedures for Unlimited Civil Cases* (Judicial Council form APP-001-INFO) before completing this form. This form must be filed in the superior court, not in the Court of Appeal. A copy of this form must also be served on the other party or parties to this appeal. You may use an applicable Judicial Council form (such as APP-009 or APP-009E) for the proof of service. When this document has been completed and a copy served, the original may then be filed with the court with proof of service.

1. NOTICE IS HEREBY GIVEN that:
 Hoopes Family Winery Partners LP;
 Hoopes Vineyard, LLC; and
- a. (Name): Lindsay Blair Hoopes appeals from a judgment or order in this case.
- b. The judgment or order was entered on (list the date or dates the judgment and each order being appealed were entered):
 February 20, 2025
- c. The appeal is from the following order or judgment (check all that apply):
- ☐ Judgment after jury trial
 - ☐ Judgment after court trial
 - ☐ Default judgment
 - ☐ Judgment after an order granting a summary judgment motion
 - ☐ Judgment of dismissal under Code of Civil Procedure, §§ 581d, 583.250, 583.360, or 583.430
 - ☐ Judgment of dismissal after an order sustaining a demurrer
 - ☐ An order after judgment under Code of Civil Procedure, § 904.1(a)(2)
 - ☐ An order or judgment under Code of Civil Procedure, § 904.1(a)(3)-(13)
 - ☒ Other (describe and specify the code section or other authority that authorizes this appeal):
 Order granting preliminary injunction (Code Civ. Proc., sec. 904.1, subd. (a)(6))
- d. ☐ The judgment or order being appealed directs payment of sanctions by an attorney for a party. The attorney (name): appeals.
2. For cross-appeals only:
- a. Date notice of appeal was filed in original appeal:
 - b. Date superior court clerk mailed notice of original appeal:
 - c. Court of Appeal case number (if known):
3. ☒ The judgment or order being appealed is attached (optional).

Date: 2/21/25

KATHARINE H. FALACE



FILED

FEB 20 2025

Clerk of the Napa Superior Court
By: [Signature]
Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF NAPA

NAPA COUNTY and THE PEOPLE OF THE
STATE OF CALIFORNIA ex rel. SHERYL L.
BRATTON, as Napa County Counsel,

Plaintiffs,

v.

HOOPEs FAMILY WINERY PARTNERS, LP,
HOOPEs VINEYARD, LLC, LINDSAY BLAIR
HOOPEs, and DOES 1 through 10, inclusive,

Defendants.

Case No. 22CV001262

EXEMPT FROM FEES (GOV. CODE § 6103)

**PRELIMINARY INJUNCTION AGAINST
ALL DEFENDANTS**

AND RELATED CROSS-ACTION.

The hearing on the County's Request for Preliminary Injunction came on regularly for hearing on February 7, 2025 before this Court.

FOR GOOD CAUSE SHOWN, the request is granted and a Preliminary Injunction is entered herewith, jointly and severally against Hoopes Family Winery Partners, L.P., Hoopes Vineyard, LLC and Lindsay Blair Hoopes (collectively "Hoopes Defendants") with regard to the property located at 6204 Washington Street, Napa California, 94558 (the "Property.")

PRELIMINARY INJUNCTION

1. The duties, responsibilities, burdens, and obligations undertaken in connection with this Preliminary Injunction shall apply to the Hoopes Defendants, jointly and severally, and any affiliates, subsidiaries, successors and assigns of each, and of any officers and employees of each.
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- i. All tastings of wine, however described or denoted, characterized by the consumption of any amount of wine for any purpose, by anyone other than Defendants and employees of the Winery;
 - ii. All tours of the Winery by members of the public;
 - iii. All consumption of wine purchased by members of the public on the Winery premises;
 - iv. All “marketing of wine,” as defined by Napa County Code section 18.08.370, including all social events of a public nature, but not including advertisement or marketing of lawful activity undertaken by the Defendants at the Winery on any media;
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 - vi. All occupancy and assembly within winery rooms or spaces that have not been permitted for occupancy or assembly, including the areas designated as storage in the building permits on file with the County, as well as any recreational vehicles on the Property;
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10 related to a lawful winery use.

11 3. The Napa County Code Compliance Division shall be given full access to the Property at
12 any time between the hours of 9:00 a.m. and 6:00 p.m., seven days a week, to conduct
13 inspections to confirm compliance with the provisions of this injunction. No advance
14 notice is required for inspections during these normal business hours.

15 4. Defendants shall not participate in any act or practice, or form a separate entity or
16 corporation for the purpose of engaging in acts or practices, in whole or in part, that are
17 prohibited by this Preliminary Injunction or any other purpose that would otherwise
18 circumvent any term of this Preliminary Injunction. Defendants shall not knowingly
19 cause, permit, or encourage any other persons or entities acting on its behalf, to engage in
20 any act or practice prohibited by this Injunction.

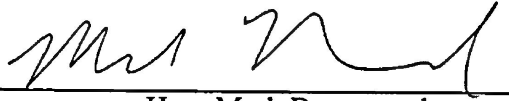
21 5. If any clause, provision, or section of this Preliminary Injunction shall, for any reason, be
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23 not affect any other clause, provision, or section of this Preliminary Injunction and this
24 Preliminary Injunction shall be construed and enforced as if such illegal, invalid, or
25 unenforceable clause, provision, or section had not been contained herein.

26 6. The Court maintains jurisdiction over this matter, including with respect to enforcement of
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28

1 7. This Preliminary Injunction shall remain in full force and effect until it is either
2 incorporated into a final Injunction or is dissolved by the Court.

3
4 **IT IS SO ORDERED.**

5 Dated: February 20, 2025



Hon. Mark Boessenecker
Napa County Superior Court Judge

Superior Court of California

County of Napa
825 Brown Street
Napa, CA 94559

Case #: 22CV001262

NAPA COUNTY et al vs Lindsay Blair Hoopes et al

Katharine Heldt Falace
kfalace@buchalter.com
jgleffe@buchalter.com

Arthur Anthony Hartinger
ahartinger@publiclawgroup.com

Sheryl L Bratton
sheryl.bratton@countyofnapa.org

Lindsay Blair Hoopes
lindsay@hoopesvineyard.com

Certificate of Mailing/Service

I hereby certify that I am not a party to this cause and that a copy of the foregoing document was:

- ☒ **E-mailed**
- ☐ **certified copy faxed** to Napa Sheriff's Department at (707) 253-4193
- ☐ **personal service** – personally delivered to the party listed above
- ☐ **placed in attorney/agency folders** in the ☐ Criminal Courthouse ☐ Historic Courthouse

at Napa, California on this date and that this certificate is executed at Napa, California this Date. I am readily familiar with the Court's standard practice for collection and processing of correspondence for mailing within the United States Postal Service and, in the ordinary course of business, the correspondence would be deposited with the United States Postal Service on the day on which it is collected at the Courthouse.

Date: 2/20/2025

Robert E Fleshman, Court Executive Officer



Isabel Rodriguez, Deputy Court Executive Officer

1 Napa County, et al. v. Hoopes Family Winery Partners, LP, et al.
2 Napa County Superior Court Case No. 22CV001262

3 **PROOF OF SERVICE**

4 I am employed in the County of Napa, State of California. I am over the age of 18 and not
5 a party to the within action. My business address is BUCHALTER, A Professional Corporation,
6 1230 Pine Street, St. Helena, CA 94574.

7 On the date set forth below, I served the foregoing documents described as:

8 • **NOTICE OF APPEAL**

9 on all other parties and/or their attorney(s) of record to this action as follows:

10 Office of the Napa County Counsel

11 Sheryl Bratton

12 Jason Dooley

13 Erin Cossen

14 1195 Third Street, Suite 301

15 Napa, CA 94559

16 Email: sbratton@countyofnapa.org

17 Email: jason.dooley@countyofnapa.org

18 Email: erin.cossen@countyofnapa.org

19 Email: brandon.aguilera@countyofnapa.org

20 **Attorneys for Plaintiffs NAPA COUNTY and**
21 **THE PEOPLE OF THE STATE OF CALIFORNIA**

22 Arthur A. Hartinger

23 Geoffrey Spellberg

24 Nicholas Moore

25 RENNE PUBLIC LAW GROUP

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27 San Francisco, CA 94104

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Email: bbramer@publiclawgroup.com

Email: sbetts@publiclawgroup.com

Email: cflaig@prismrisk.gov

Email: kimberly.smith@georgehills.com

29 **Attorneys for Plaintiffs NAPA COUNTY and**
30 **THE PEOPLE OF THE STATE OF CALIFORNIA**

1 **BY EMAIL** On February 21, 2025, I caused the above-referenced document(s) to be sent
2 in electronic PDF format as an attachment to an email addressed to the person(s) on whom such
3 document(s) is/are to be served at the email address(es) shown above, as last given by that
4 person(s) or as obtained from an internet website(s) relating to such person(s), and I did not
5 receive an email response upon sending such email indicating that such email was not delivered.

6 I declare under penalty of perjury under the laws of the State of California that the foregoing
7 is true and correct to the best of my knowledge.

8 Executed on February 21, 2025, at St. Helena, California.

9 

10 _____
11 JOLENE GLEFFE
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